

# **EXHIBIT E**

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK  
Adv. Pro. Nos. 08-1789 (SMB) & 10-04469 (SMB)  
SECURITIES INVESTOR PROTECTION CORPORATION,  
Plaintiff-Applicant,  
-vs-  
BERNARD L. MADOFF INVESTMENT SECURITIES, LLC,  
Defendant.

IN RE:  
BERNARD L. MADOFF,  
Debtor.

COPY

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities, LLC,  
Plaintiff,

vs.

CAROL L. KAMENSTEIN, individually and in her capacity  
as joint tenant, DAVID R. KAMENSTEIN, individually and  
in his capacity as joint tenant, SLOAN G. KAMENSTEIN and  
TRACY D. KAMENSTEIN,

Defendants.

DEPOSITION OF DAVID KAMENSTEIN  
VIDEOTAPED

Wednesday, February 22, 2017  
1:50 - 4:41 p.m.

444 West Railroad Avenue  
Suite 300  
West Palm Beach, Florida 33401

Reported By:  
Shirley D. King, RPR, FPR  
Notary Public, State of Florida  
West Palm Beach Office Job #1522945-D

1

2 APPEARANCES:

3 On behalf of the Trustee:

4 TATIANA MARKEL, ESQUIRE  
5 DOMINIC GENTILE, ESQUIRE  
6 BAKER HOSTETLER  
7 45 Rockefeller Plaza  
8 New York, New York 10111  
9 Phone: 212.589.4615  
10 Email: tmarkel@bakerlaw.com

8

9 On behalf of the Deponent:

10 HELEN DAVIS CHAITMAN, ESQUIRE  
11 BECKER & POLIAKOFF LLP  
12 45 Broadway  
13 New York, New York 10006  
14 Phone: 212.599.3322  
15 Email: hchaitman@bplegal.com

13

14

15

16 ALSO PRESENT:

17

18 CAROL KAMENSTEIN  
19 SLOAN KAMENSTEIN  
20 TRACY KAMENSTEIN  
21 MICHAEL HOLLANDER, VIDEOGRAPHER

20

21

22

23

24

25

1 - - -  
2 I N D E X  
3 - - -

4  
5 WITNESS: DIRECT CROSS REDIRECT RECROSS  
6

7 CAROL KAMENSTEIN

8 BY MS. MARKEL: 6  
9

10 - - -  
11 E X H I B I T S M A R K E D  
12 - - -

12	EXHIBIT 1	NOTE	12
	EXHIBIT 2	ACCOUNT-OPENING DOCUMENTS	13
13	EXHIBIT 3	1984 TRACY KAMENSTEIN IRREVOCABLE TRUST	13
14	EXHIBIT 4	SLOAN KAMENSTEIN 1984 IRREVOCABLE TRUST	14
15	EXHIBIT 5	ACCOUNT-OPENING DOCUMENTS	16
	EXHIBIT 6	MARCH 21ST, 2005 CHECKS	19
16	EXHIBIT 7	VARIOUS COPIES OF LETTERS SENT TO BLMIS	23
17	EXHIBIT 8	DOCUMENTS	25
	EXHIBIT 9	DOCUMENT	26
18	EXHIBIT 10	ANSWER AND AFFIRMATIVE DEFENSES	29
19	EXHIBIT 11	DEPOSITS FOR FOUR ACCOUNTS AT BLMIS	31
20	EXHIBIT 12	AMENDED INTERROGATORY RESPONSES	32
21	EXHIBIT 13	DOCUMENT	39
	EXHIBIT 14	WRITTEN WITHDRAWAL	41
22	EXHIBIT 15	DOCUMENT	44
	EXHIBIT 16	DOCUMENT	46
23	EXHIBIT 17	TWO CHECKS	48
	EXHIBIT 18	CANCELED CHECKS	49
24	EXHIBIT 19	CANCELED CHECKS	50
	EXHIBIT 20	TWO DEPOSITS	53

25

1		- - -	
	E X H I B I T S	M A R K E D (cont'd)	
2		- - -	
3			
4	EXHIBIT 21	WITHDRAWAL REQUEST	53
	EXHIBIT 22	CANCELED CHECKS	56
5	EXHIBIT 23	BANK STATEMENT	57
	EXHIBIT 24	CANCELED CHECKS	59
6	EXHIBIT 25	CANCELED CHECKS	59
	EXHIBIT 26	WITHDRAWALS FROM BLMIS	60
7	EXHIBIT 27	CANCELED CHECKS	63
	EXHIBIT 28	CANCELED CHECKS	64
8	EXHIBIT 29	CANCELED CHECKS	65
	EXHIBIT 30	CANCELED CHECK	67
9	EXHIBIT 31	CANCELED CHECKS	69
	EXHIBIT 32	CANCELED CHECKS	70
10	EXHIBIT 33	BANK STATEMENT	71
	EXHIBIT 34	WITHDRAWALS FROM ACCOUNTS	72
11	EXHIBIT 35	BANK STATEMENT	73
	EXHIBIT 36	FOUR CANCELED CHECKS	74
12	EXHIBIT 37	BANK STATEMENT	75
	EXHIBIT 38	DOCUMENTS	76
13	EXHIBIT 39	DOCUMENTS	77
	EXHIBIT 40	DOCUMENT	77
14	EXHIBIT 41	DOCUMENT	78
	EXHIBIT 42	CANCELED CHECK	79
15	EXHIBIT 43	CANCELED CHECKS	79
	EXHIBIT 44	CANCELED CHECK	80
16	EXHIBIT 45	CANCELED CHECKS	81
	EXHIBIT 46	CANCELED CHECKS	81
17	EXHIBIT 47	CANCELED CHECKS	82
	EXHIBIT 48	CANCELED CHECKS	83
18	EXHIBIT 49	CANCELED CHECK	84
	EXHIBIT 50	CANCELED CHECK	85
19	EXHIBIT 51	CANCELED CHECK	85
	EXHIBIT 52	BANK ACCOUNT STATEMENT	86
20	EXHIBIT 53	CANCELED CHECKS	87
	EXHIBIT 54	CANCELED CHECKS	87
21	EXHIBIT 55	CANCELED CHECKS	88
	EXHIBIT 56	CANCELED CHECK	89?
22	EXHIBIT 57	CANCELED CHECKS	90
	EXHIBIT 58	CANCELED CHECKS	90
23			
24			
25			

1 MS. CHAITMAN: Okay.

2 BY MS. MARKEL:

3 Q. If you could just -- where was the previous  
4 trust? Is this the previous trust document?

5 A. This one is.

6 Q. Yeah. Yeah. I just want you to keep it handy  
7 just for the next question.

8 A. Okay. The previous one?

9 Q. Yeah, just these two.

10 A. Okay.

11 Q. So you'll see this is a very similar  
12 document --

13 A. Right.

14 Q. -- but on behalf of Sloan, correct?

15 A. Correct.

16 Q. These two trusts were associated with the  
17 BLMIS account. And in one of them -- so for Sloan's  
18 account, Carol signed the account-opening documents as  
19 Trustee, and for Tracy's account it was you who signed  
20 the account-opening documents as Trustee.

21 But based on your prior testimony, is it  
22 accurate to say, that regardless of these documents, you  
23 were the person who managed all of these accounts?

24 A. Yes.

25 Q. Thank you.

1 CERTIFICATE OF OATH

2 THE STATE OF FLORIDA

3 COUNTY OF PALM BEACH

4

5

6 I, the undersigned authority, certify that  
7 DAVID KAMENSTEIN personally appeared before me and was  
8 duly sworn.

9

10 Dated this 22nd day of February, 2017.

11

12

13

14

15 \_\_\_\_\_  
16 Shirley D. King, RPR, FPR  
17 Notary Public - State of Florida  
18 My Commission Expires: 7/26/2017  
19 My Commission No.: FF 019917

20 Job #1522945-D

21

22

23

24

25

## 1 C E R T I F I C A T E

2 THE STATE OF FLORIDA

3 COUNTY OF PALM BEACH

4

5 I, Shirley D. King, Registered Professional  
6 Reporter and Notary Public in and for the State of  
7 Florida at Large, do hereby certify that I was  
8 authorized to and did report said deposition in  
9 stenotype; and that the foregoing pages are a true  
10 and correct transcription of my shorthand notes of  
11 said deposition.

12 I further certify that said deposition was  
13 taken at the time and place hereinabove set forth and  
14 that the taking of said deposition was commenced and  
15 completed as hereinabove set out.

16 I further certify that I am not attorney or  
17 counsel of any of the parties, nor am I a relative or  
18 employee of any attorney or counsel of party connected  
19 with the action, nor am I financially interested in the  
20 action.

21 The foregoing certification of this transcript  
22 does not apply to any reproduction of the same by any  
23 means unless under the direct control and/or direction  
24 of the certifying reporter.

25 Dated this 6th day of March, 2017.

18

19

20

21

---

Shirley D. King, RPR, FPR

22

Job #1522945-D

23

24

25